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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,667	05/25/2000	Mark Cirinna	COMP:0086/FLE P00-3227	7191

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/578,667

Applicant(s)

Cirinna et al

Examiner

Steven McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-22 and 31-48 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-22 is/are rejected.
- 7) ☒ Claim(s) 31-48 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/03 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-22 and 35-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites "a business's" in line 4. The claim is indeterminate because it is not clear whether it is intended to be a recitation of a second business or the a second recitation of the business recited in the preamble.

Claim 9, line 8 recites "the employer" which lacks antecedent basis.

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Claim 35 recites “employees”, but a similar recitation has already been made; it is not clear whether this recitation is intended to address the same employees or is a new recitation of different employees.

Claim 40 recites “a business” but a similar recitation has already been made; it is not clear whether this recitation is intended to address the same business or is a new recitation of a different business. In examining the claim it was interpreted as “said first business”.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 © of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes et al (5,970,475).

Barnes et al show a website to provide employees with a selection of authorized products for ordering, and a computer system operable to host the website providing a first group of employees with a first selection of products and a second group of employees with a second group of products (col. 8, lines 28-32).

As to claim 45, it is noted that the website provides employment related information comprising items that they are allowed to request for purchase.

As to claim 46, it is noted that the website provides two different groups of employment related information comprising items that they are allowed to request by the employer for two different groups of employees.

As to claim 47, it is noted that Barnes et al show automatically providing payment without employee input (see for instance, Fig. 23).

As to claim 48, it is noted that the system automatically provides for approval of the order with input from the employee.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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7. Claims 9-22, 31-37, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over King, Jr. et al (5,319,542) in view of Gardner et al (5,758,327).

King, Jr. et al show all elements of the claim except using a website to present the products or services for ordering. It is noted that King et al show that a selection of authorized products is provided in the catalog and that only employees of can access the and order the catalog. Gardner et al show a website interface. It is further noted that "for providing information ... to a business's employees" is interpreted as mere intended use and that any web hosting system is capable of providing such information. It would have been obvious to one of ordinary skill in the art to modify the system of King et al by using a web interface in order to take advantage of existing infrastructure and to reduce training costs for learning a custom interface.

Alternatively, King, Jr. et al show all elements of the claim except using a website to present the products or services for ordering and to provide job-function related information the employees. It is noted that King et al show that a selection of authorized products is provided in the catalog and that only employees of can access the and order the catalog. Gardner et al show a website interface. It is further noted that "for providing information ... to a business's employees" is interpreted as mere intended use and that any web hosting system is capable of providing such information. It would have been obvious to one of ordinary skill in the art to modify the system of King et al by using a web interface in order to take advantage of existing infrastructure and to reduce training costs for learning a custom interface. As to providing job-related information on a website, it is notoriously old and well known in the art to do so. For instance, the USPTO's

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intranet web site provides job-related data for employees and has done so since at least 1998. It would have been obvious to one of ordinary skill in the art to provide job related information on an employees only web page in order to streamline the distribution of updated documentation (new versions of the MPEP, etc.).

As to claim 11, King et al in view of Gardner et al show a plurality of access terminals for the employees.

As to claims 14 and 32, King et al in view of Gardner et al show access to a website via the internet.

As to claim 15, King et al in view of Gardner et al show routing the employee's order.

As to claim 17, King et al in view of Gardner et al show all elements of the claim except tracking the employee's use of the website. However, it is notoriously old and well known to track employee's computer use. It would be obvious to one of ordinary skill in the art to do so in order to track employee time.

As to claim 18, King et al in view of Gardner et al show all elements of the claim except selecting specific a job-function related topic based on the employee's past use. However, it is notoriously old and well known for a such as system to display information based on past use of the system. Since the system of King et al in view of Gardner et al provide a information only related to the job-function of the employee (purchasing for the job or job listings within the company), it is inherent that the information selected by the computer would be a job-function

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related topic. It would be obvious to one of ordinary skill in the art to do provide often used information to the employee quickly.

As to claim 22, King et al in view of Gardner et al show a system configured for use by employees in specific occupational groups.

As to claim 31, King et al show a computer system enabling an employee to get purchasing related job-function information and enabling the employee to order at least one of a good and a service from a menu authorized by the employer based on the employee's job-function. It also shows that the system automatically routes a purchase order to the employer for approval and payment. It is noted that the purchasing information provided by King et al in the purchasing process is purchasing related job function information since the information is related to purchasing and is related to the performance of the employees' jobs. It is also noted that the menu of authorized items (col. 5, lines 48-52) is provided based on the employee's job function. King et al do not show that the information is provided by a website or that non-purchasing related job-function information is provided. Gardner et al show that information and purchasing is provided via a website. It would have been obvious to one of ordinary skill in the art to modify the apparatus of King et al by providing the information via a website in order to provide a familiar interface and to use existing and common technology. Providing non-purchasing related job-function information is notoriously old and well known in the art. For instance, this is practiced on the PTO intranet where data is presented at least partly by job function (for instance, position openings). It would have been obvious to one of ordinary skill in the art to further



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modify the apparatus of King et al by providing job-related data on an intranet website in order to provide for streamline release of updated documentation.

As to claim 34, as broadly claimed, the website is adaptable for each user.

As to claims 21 and 37, King et al in view of Gardner et al show 11 elements of the claim except using closed links to the second website. However, it is notoriously old and well known in the art to use closed links. It would have been obvious to do so in order to maintain a consistent look and feel.

As to claim 39, it is inherent that an intranet/internet system documents all transactions.

As to claims 42, King et al in view of Gardner et al show private catalog software on the computer.

As to claim 43, King et al in view of Gardner et al show computer software accessed from a second site comprising the public catalog. It does not show the public catalog having a web interface. However, it is notoriously old and well known in the art to provide such an interface for electronically purchasing from a catalog. It would have been obvious to one of ordinary skill in the art to modify the apparatus of King et al by using a web interface in order to provide a familiar and efficient interface to the public catalog.

8. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al in view of Gardner et al as applied to claims 31, 35 and 36 above, and further in view of Horstmann.

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As to claim 38, King et al in view of Gardner et al show all elements of the claim except electronically receiving compensation from a business to which it refers business. Horstmann show this element. It would have been obvious to one of ordinary skill in the art to further modify the system of King et al in order to increase revenue.

*Response to Arguments*

9. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive.

Regarding applicant's argument that claims 9-22 are allowable because only employees of the business are able to access the information, it is noted that King et al show a private catalog viewable only by employees. As modified by Gardner et al, the private catalog is a web site, but still private. King et al also show a public catalog. However, this catalog is actually a plurality of private catalogs. As implemented employees of each company viewing the public catalog view a different catalog with different prices negotiated specifically with that company.

Regarding applicant's argument that claims 31-43 are allowable because the combination does not show allowing the employee to order a product or service from a menu authorized by the employer based on the employee's job function, it is noted that King et al shows providing a

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menu of authorized products. These items are provided by the employer to the employee based on that employee's job function. If the person had no job function the employer would not provide the items to him. It is noted that the limitation was not interpreted to mean that the employer provided different items to different groups based on their different job functions, as this does not appear to be claimed.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

  
Steven B. McAllister

November 28, 2003